

NUNC PRO TUNC

FILED

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James-Francis: Murphy,
In Care of Postal Department 234277
Encinitas, California 92023-4277
Tel: 760-230-2868
In Propria Persona

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES FRANCIS MURPHY,

Defendant.

Case No.: 08 CR 1196 W

AFFIDAVIT OF James-Francis: Murphy
IN SUPPORT OF AN ORDER TO SHOW
CAUSE,

Magistrate Judge Nina Stormes
August 26, 2008 at 9:30am

James-Francis: Murphy, Real Party in
Interest, Third Party Intervener, Authorized
Representative

1. I, James-Francis: Murphy (Real Party in Interest/Affiant), appear and state under penalty of perjury that the following is true and correct.
2. Real Party in Interest's (RPII) habitation is on the soil of San Diego county.
3. RPII has an unalienable Right to worship his Creator as he sees fit and proper.
4. RPII has an unalienable Right to follow the premise laid by William Tyndale wherein he stated "Resistance to Tyranny is Obedience to God."

- 1 5. STATE OF CALIFORNIA has attempted to force RPII into an international Social
2 Security agreement in issuing travel/identification documents to RPII, **see Exhibit**
3 **31**.
- 4 6. RPII believes that the Social Security agreement is either the actual Mark of the
5 Beast (Revelation 13) or its precursor, **see Exhibit 22**.
- 6 7. Empirical evidence of said Mark exists as buying and selling becomes increasingly
7 difficult without possessing and using the Social Security number, **see Exhibit 22**.
- 8 8. RPII believes that prior case precedent exists in the case known as Stevens v.
9 Burger, 428 F.Supp 896 (E.D.N.Y. 1977), **see Exhibit 21**, wherein the government
10 is required to furnish RPII with the least drastic means doctrine in providing travel
11 documents in regard to deeply held spiritual and religious convictions.
- 12 9. However, in light of the fact that personnel of STATE OF CALIFORNIA appear to be
13 incompetent to protecting basic religious Rights protected by the 1st Amendment to
14 the Constitution for the United States of America (1787) and the corresponding State
15 constitution and its foundational premise Torah (In God We Trust), RPII executed his
16 own remedy in accord with Public Law 414, **see Exhibit 20**, and issued himself his
17 own travel documents with the State Seal of California as he is one of the
18 specifically intended beneficiaries therein.
- 19 10. RPII has an unalienable, aka fundamental liberty interest, to travel.
- 20 11. RPII liberty to travel has been restricted by State of California personnel in not
21 issuing travel documents.
- 22 12. Thereafter, RPII created and issued his own travel documents and served said
23 documents upon the State of California Secretary of State and the United States
24 District Court **see Exhibit 5**, Act of State.

1 13. RPII has an unalienable, aka fundamental liberty, to create travel documents of his
2 own in accord with the Act of P.L. 414, June 27, 1952, **see Exhibit 20**, the
3 Declaration of Independence, the Articles of Confederation, the permanent injunction
4 known as the Bill of Rights and their underlying agreements known as the seven
5 covenants of the Holy Bible being, the Adamic, Edenic, Noahdic, Abrahamic,
6 Mosaic, David and Renewed.

7 14. RPII does not currently know what the liability to the bonds of the arresting
8 personnel are for violating the fundamental liberty interests of RPII.

9 15. RPII is a Doctor of Osteopathy, **see Exhibit 32**.

10 16. RPII travels back and forth between San Diego, California and Omaha, Nebraska
11 where he provides medical services.

12 17. RPII in his capacity as Physician carries with him various therapeutic products and
13 devices, some in powder form, and helpful devices for emergency situations.

14 18. RPII does not engage in illicit drugs, such as cocaine, marijuana,
15 methamphetamines, etc.

16 19. RPII had his energetic therapeutic powder product confiscated at the scene of
17 arrest.

18 20. Operating within RPII's unalienable Right to travel, RPII attempted to use his self
19 created identification to maintain his privacy.

20 21. RPII did inform and instruct TSA personnel to search and scan his black briefcase
21 bag with the water treatment energetic therapeutic product containing powder
22 completely sealed by plastic if they considered said bag a safety issue.

23 22. RPII maintained and still maintains that within his deeply held spiritual and religious
24 beliefs he has a known duty to be an Ambassador (Proverbs 13:17, Ephesians 6:20
25 and 2 Corinthians 5:20) for Christ and operate as a Diplomat therein as the UNITED

1 STATES and STATE OF CALIFORNIA have become pagan and steeped in
2 activities contrary to Biblical Laws, see recent California Supreme Court Ruling in
3 May of 2008 on Homosexual Marriage thereby setting a different law form from that
4 of RPII Torah based foundations.

5 23. As noted in TORCASO v. WATKINS, 367 U.S. 488(1961), **see Exhibit 19**, "Among
6 religions in this country which do not teach a belief in the existence of God are
7 Buddhism, Taoism, Ethical Culture, Secular Humanism, and othes." The UNITED
8 STATES and the STATE OF CALIFORNIA demonstrate by its funding actions
9 domestically and abroad and through its Court decisions a secular humanistic
10 mindset that RPII has no interest or desire to contract with.

11 24. However, RPII appreciates that both the Senate and House of Representatives of
12 the United States of America in passing Public Law 97-280, 96 STAT. 1211, on Oct.
13 4, 1982, **see Exhibit 13**, agreed on paper with RPII deeply held spiritual and
14 religious belief that the Bible is the Word of God and that our nation needs to study
15 and apply the teachings of the Holy Scriptures.

16 25. King James Bible Ephesians 6:20 states, "For which I am an **ambassador** in bonds:
17 that therein I may speak boldly, as I ought to speak."

18 26. Douay-Rheims Bible Ephesians 6:20 states, "For which I am an **ambassador** in a
19 chain, so that therein I may be bold to speak according as I ought."

20 27. King James Bible 2 Corinthians 5:20 states, "Now then we are **ambassadors** for
21 Christ, as though God did beseech you by us: we pray you in Christ's stead, be ye
22 reconciled to God."

23 28. Douay-Rheims Bible 2 Corinthians 5:20 states, "For Christ therefore we are
24 **ambassadors**, God as it were exhorting by us. For Christ, we beseech you, be
25 reconciled to God."

1 38. RPII reserves the Right to post bonds using trust res to supersede penal sum bonds
2 posted by the court to pay for the cost of this case prosecution (on behalf of the
3 British Merchant Guild).

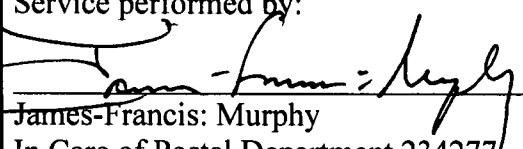
4
5 I, James-Francis: Murphy, affirm under penalty of perjury that I have read the foregoing,
6 know the contents therein and that to the best of my knowledge, understanding and
7 belief, it is true, correct, and not misleading, the truth, and nothing but the truth.

8
9
10
11 
12 James-Francis: Murphy,
13 Authorized Representative

1 CERTIFICATE OF SERVICE
2

3 COPY of the forgoing hand delivered,
4 This ____ day of August, 2008, to:
5 U. S. Assistant Attorney Fred Sheppard
6 880 Front Street Room 6293
7 San Diego, CA
8 619-557-5610
9

10
11
12
13 Service performed by:

14 
15
16 James-Francis: Murphy
17 In Care of Postal Department 234277
18 Encinitas, California 92023-4277
19 Tel: 760-230-2868